

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the reason that the designations on the label "Pure Olive Oil" or "Olive Oil," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15838. Adulteration and misbranding of maple sirup. U. S. v. 19 Gallons of Maple Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22810. I. S. No. 21721-x. S. No. 849.)**

On June 7, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 gallons of maple sirup, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by D. R. Crane, from McIndoes, Vt., February 11, 1928, and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pure Maple Product 11 Lbs. Net Made by D. R. Crane, McIndoe Falls, Vt."

It was alleged in the libel that the article was adulterated in that a mixture of sugar sirup and a small amount of maple sirup had been substituted in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement on the label, "Pure Maple Product," was false and misleading and deceived and misled the purchaser when applied to an article containing a mixture of sugar sirup and a small amount of maple sirup, for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement on the label, "11 Lbs. Net," was of no significance to the ordinary purchaser as indicating the quantity of maple sirup, which is almost universally dealt in and thought of in terms of volume, and for the further reason that the product was offered for sale under the distinctive name of another article.

On July 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15839. Misbranding of tomato paste. U. S. v. 6 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 22763. I. S. No. 24278-x. S. No. 795.)**

On May 9, 1928, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cases of tomato paste, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Eagle Canning Co., Inc., Fredonia, N. Y., on or about October 25, 1927, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Eagle Brand Salsa di Pomodoro \* \* \* Tomato Paste Eagle Canning Co., Inc., Fredonia, N. Y."

It was alleged in the libel that the article was misbranded in that the statements, designs, and devices on the labels of the cans containing the said article, to wit, "Tomato Paste Salsa di Pomodoro (cut of red ripe tomatoes)," was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing artificial color not declared on the label.

On July 9, 1928, by consent of the claimant, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*